

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

(Inmate Number)

(Name of Plaintiff)

(Address of Plaintiff)

1120 Pike Street SCI Smithfield

VS.

Superintendent J Luther

A Head of Security Eichenlaub

(Names of Defendants)

(Case Number)

COMPLAINT

FILED
SCRANTON

OCT 19 2020

PER [Signature]
DEPUTY CLERK

TO BE FILED UNDER: 42 U.S.C. § 1983 - STATE OFFICIALS

✓ **28 U.S.C. § 1331 - FEDERAL OFFICIALS**

I. Previous Lawsuits

A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

Civil Action NO 3:19-CV-0770 the year 2017
UNITED STATES DISTRICT FEDERAL COURT OF PENNSYLVANIA

II. Exhaustion of Administrative Remedies

A. Is there a grievance procedure available at your institution?
☒ Yes ☐ No

B. Have you filed a grievance concerning the facts relating to this complaint?
☒ Yes ☐ No

If your answer is no, explain why not _____

C. Is the grievance process completed? Yes No

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

- A. Defendant J Luther is employed
as Superintendent at SCI Smith Field 1120 Pike Street
- B. Additional defendants Head of Security Eichenlaub SCI Smith
Field 1120 Pike Street Huntingdon PA- 16652
Unit Manager Goss SCI Smith Field 1120 Pike Street
Huntingdon PA- 16652

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. I was brought to RHU for misconduct by Officer Boyd on
1-12-20 the misconduct on inmate Poindexter was dismissed on
1-14-20 Poindexter refused to go back general population
His claim was Officer Boyd was retaliation against him
2. because Poindexter has PREA on Officer that Officer Boyd
was friend with. Supt Luther had full knowledge of this
situation Poindexter file grievance on this manner and wrote
the Supt Luther from RHU she had first hand that involved
3. Eichenlaub is Head of Security I went to Security to
my side story about Officer Boyd retaliation against
Security told me inmate Poindexter story was not truth
keep me Poindexter in RHU by written misconduct on him

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. FOR REFUSED TO BACK OUT TO GENERAL POPULATION
THE SECURITY TEAM DID NOT INVESTIGATION MY CLAIM
THAT IS VIOLATION DC-ADM 802 ADMINISTRATIVE CUSTODY
PROCEDURE WITH VIOLATION EIGHT AMENDANT RIGHT
2. UNDER DELIBERATE INDIFFERENCE CRUEL AND
UNUSUAL PUNISHMENT. THIS IS UNDER EICHENLAUB
INVOLVEMENT. UNIT MANAGER GOSS HIS INVOLVEMENT
HE DENIED POWDERTER FROM ALL THE THINGS HE WAS ELIGIBLE
3. FOR UNDER THE CORONAVIRUS AND POLICY OF D.O.C
DELIBERATE INDIFFERENCE UNDER CRUEL AND
UNUSUAL PUNISHMENT. MY MENTAL HEALTH IS VERY POOR
NOW I SUFFER FROM MANY MENTAL DISORDER FROM THIS

Signed this Tue day of 10-13-20.

Dewell Powdexter ML3527
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

10-13-20
(Date)

Dewell Powdexter
(Signature of Plaintiff)

L PN WAYNE MINER DENIED INMATE POINDEXTER
MANDATORY MEDICATION THE MEDICATION WAS 70/30
INSULIN DELIBERATE INDIFFERENCE CRUEL AND UNSUAL
PUNISHMENT THIS IS L PN WAYNE MINER
INVOLVEMENT

MY MENTAL HEALTH IS NOT THAT GOOD RIGHT NOW
I AM ASKING THIS COURT TO REWARD INMATE POINDEXTER
FOR ABUSE THAT I RECEIVED FROM OFFICIALS AT
SCI SMITHFIELD 3 MILLION DOLLAR

Dewell Poindexter
MC 3527

10-13-20

**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS COMPLAINT
UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

COVER SHEET

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

The cost for filing a civil rights complaint is \$350.00.

If you do not have sufficient funds to pay the full filing fee of \$350.00 you need permission to proceed *in forma pauperis*. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or**
- 2) the average monthly balance in your prison account for the past six months.**

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.

1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$350.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. Check here if you are submitting the filing fee with the complaint form. ____

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees. ____

Please Note: If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS

Dewell Poindexter
ML3527
SCI Smith Field
Huntingdon PA-16652
P.O Box - 999

INMATE MAIL
PA DEPARTMENT
OF CORRECTIONS



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Office of the clerk
United States District Court
Middle District of Pennsylvania
235 North Washington Ave
P.O Box 1148
Scranton PA 18501-1148

